

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹
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THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE COMMONWEALTH OF
PUERTO RICO,

as agent of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

BETTINA WHYTE,

as agent of

THE PUERTO RICO SALES TAX FINANCING
CORPORATION (“COFINA”),

Defendant.
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PROMESA
Title III

Case No. 17-BK-3283 (LTS)
(Jointly Administered)

Adv. Proc. No. 17-00257-LTS

**JOINDER OF NATIONAL
PUBLIC FINANCE
GUARANTEE
CORPORATION TO THE
MOTION FOR SUMMARY
JUDGMENT BY THE
COFINA AGENT**

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

TO THE HONORABLE COURT:

National Public Finance Guarantee Corporation (“**National**”) hereby submits this joinder to the *Motion for Summary Judgment by the COFINA Agent* (Docket No. 317).² National agrees with the COFINA Agent that, among other things, (i) the COFINA structure is constitutional, (ii) COFINA owns the Dedicated Sales Tax Fund and the Pledged Sales Tax Revenue Stream solely for the benefit of COFINA bondholders [and National as guarantor of certain bonds], and (iii) the Dedicated Sales Tax Fund and Pledged Sales Tax Revenue Stream are not “available resources” of the Commonwealth. Accordingly, National joins the COFINA Agent in respectfully requesting that the COFINA Agent’s motion for summary judgment on all claims in the Commonwealth-COFINA Dispute be GRANTED.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 21st day of February, 2018.

WE HEREBY CERTIFY that on this same date a true and exact copy of this joinder was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record. Also, copy of this document will be notified via electronic mail to all case participants.

² Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion for Summary Judgment by the COFINA Agent.

Dated: **February 21, 2018**
San Juan, Puerto Rico

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